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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

#19/20

CIVIL MINUTES - GENERAL

Case No.	<u>CV 11-1648 PSG (AGRx)</u>	Date	<u>September 29, 2011</u>
Title	<u>Robaina Industries, Inc. v. Celette, Inc.</u>		

Present:	<u>The Honorable Philip S. Gutierrez, United States District Judge</u>
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s):

Not Present	Not Present
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Proceedings: **(In Chambers) Order DENYING Respondent Celette, Inc.'s Motion to Transfer Venue**

Before the Court is Respondent Celette, Inc.'s motion to transfer venue. The Court finds the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. Having considered the papers submitted in support of and in opposition to the motion, as well as other papers filed in the action, the Court DENIES the motion.

In February 2011, Petitioner Robaina Industries, Inc., filed in this district court a petition to compel arbitration against Respondent Celette, Inc. Respondent, in turn, has filed a motion to transfer the action pursuant to 28 U.S.C. § 1404(a) to the U.S. District Court for the Northern District of Illinois. The basis for the motion is that an action supposedly involving the same parties and the same subject matter has been pending in the Illinois district court since November 2010, and thus, according to Respondent, transfer to that court for a single determination on the relevant issues would serve the convenience of the parties and the interests of justice. See *Motion* 1:17-18, 4:7-8.

Since Respondent filed its motion, however, the action at issue in the Illinois district court was dismissed in its entirety for lack of subject matter jurisdiction and Respondent's motion to intervene as a party in that action consequently denied as moot. *See Kish Decl. in Support of Report on Status of Illinois Action* [Dkt # 33], Exh. 1. The Court therefore determines that there is no basis for transferring this action to the Illinois district court as Respondent requests. Accordingly, Respondent's motion to transfer venue is DENIED.

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IT IS SO ORDERED.